

NAVSTA NORVA INSTRUCTION 5800.2B

Subj: DISCIPLINARY REVIEW BOARD (DRB)

Encl: (1) Disciplinary Review Board Recommendation Worksheet

1. Purpose. To establish DRB procedures at Naval Station Norfolk.
2. Cancellation. NAVSTANORVAINST 5800.2A.
3. Background. The Disciplinary Review Board (DRB) is established to promote the policy of adequately maintaining good order and discipline and responding to the needs of the individual onboard Naval Station Norfolk. The Commanding Officer relies heavily on the mature judgment and experience of senior enlisted personnel. When a person is suspected of violating offenses under the Uniform Code of Military Justice (UCMJ), every available resource should be employed to determine the guilt or innocence of the accused by evaluating the circumstances surrounding the alleged offense(s).
4. Policy. By using positive and constructive leadership, it is the policy of this command to prevent relatively minor offenses from occurring. This includes relying on the experience of senior enlisted personnel to anticipate and recognize problems that junior personnel may experience.
5. Membership. The DRB will be composed of at least four members. Members will be: Command Master Chief (Chairperson), Discipline Officer or representative, Command DAPA; and one Chief, Senior Chief, or Master Chief Petty Officer NOT in the accused's chain of command. The detailing of a Senior or Chief Petty Officer will be by the Chairperson. The Discipline Officer or representative will be present for taking notes during interviews of the accused and witnesses at the Board. A Master-at-Arms representative, although not a member, will also be present in order to maintain decorum and military demeanor during each Board session.
6. Action. The Board will convene at the discretion of the Chairperson. Board members will meet one-half hour prior to the Board convening in order to review each offender's package and the circumstances surrounding the alleged offense(s).
  - a. The Board shall review all violations of the UCMJ prior to Executive Officer's Inquiry (XOI), analyze the circumstances

surrounding each case, counsel the accused, and make recommendations to the Commanding Officer and Executive Officer concerning disposition of the offense(s) charged.

b. The Board shall review all violations of the UCMJ by inquiring into the circumstances of the offense(s) as thoroughly as possible. The inquiry may include reviewing evidence as well as interviewing the accused and other witnesses. The accused will be given proper warnings in accordance with Article 31, UCMJ, prior to being interviewed in order to safeguard his/her rights.

c. Using enclosure (1), the recommendations will be made in writing to the Commanding Officer via the Executive Officer regarding any opinion relevant to the case being reviewed and any evidence discovered during the Board's inquiry. This recommendation may include, but is not limited to:

(1) Dismissal of the charge(s) at the Board level with a recommendation of the type of constructive counseling/instruction, which would rectify the problem. This counseling may include extra military instruction (EMI) and avenues for rehabilitation to support the service member's positive turnaround;

(2) Dismissal of the charge(s) at XOI with a recommendation of the type of constructive counseling which deemed appropriate to rectify the problem. This counseling may include EMI and rehabilitation to support the service member's positive turnaround; or

(3) Forwarding the charge(s) to Commanding Officer's Nonjudicial Punishment with an opinion of innocence or guilt and a recommendation delineating an appropriate punishment should the accused be found guilty.

(4) When appropriate, if the Board discovers that the accused's chain of command could have alleviated problems prior to the accused being placed on report, written recommendations pertaining to suggestions for the chain of command may also be made to the Commanding Officer via the Executive Officer.

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List 1

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